

REMARKS

In view of the following remarks, reconsideration and allowance of the present application are respectfully requested. Currently, claims 46-70 are pending in the present application, including independent claims 46, 57 and 70. For instance, independent claim 57 is directed to a cleaning device comprising a first hollow member having an open end for the insertion of a first finger, a second hollow member having an open end for the insertion of a second finger, and a connecting portion for connecting the first hollow member to the second hollow member.

In the Office Action, claims 46-56 were indicated as being allowable. Also, the subject matter of claim 68 was indicated as being allowable if rewritten in independent form.

Also in the Office Action, claim 70 was rejected under 35 U.S.C. § 102(b) in view of U.S. Pat. No. 3,696,821 to Adams. As shown above, Applicants have amended independent claim 70 to include that the texturized surface has projections in the z-direction. Adams fails to disclose or even suggest the first hollow member comprise a texturized surface configured to clean the teeth and gums of a user, wherein the texturized surface has projections in the z-direction. Thus, Applicants submit that independent claim 70 is not anticipated by Adams.

Claims 57-62 and 65-67 were rejected as being obvious under 35 U.S.C. § 103(a) in view of U.S. Pat. No. 5,953,783 to Hahn in combination with U.S. Pat. No. 2,041,262 to Ness. Hahn is directed to a tooth cleaning apparatus having a working surface formed by fibrous cleaning elements. Hahn discloses that the cleaning element can be used on a finger, such as depicted in Fig. 8. The cleaning head is in the form of a finger cap which can be pushed over the finger of a user. Col. 6, lines 51-52. A portion of the finger cap can be elastic so that the finger cap sits on the end of the finger under elastic circumferential tension. Col. 6, lines 58-61. The Office Action admits that Hahn fails to disclose a second hollow member and a connecting portion.¹ In order to

¹ Specifically, the Office Action states “Hahn does not disclose a second hollow member and a connecting portion, *wherein the second hollow member is structurally identical to the first hollow member*. Pg 3, lines 16-18, emphasis added. However, Applicants do not address the italicized portion due to the fact that independent claim 57 (and all other pending claims, for that matter) does not require that the first hollow member and the second follow member be structurally identical.

somehow overcome the deficiencies of Hahn, the Office Action attempts to combine the teachings of Ness.

However, Applicants submit no suggestion, motivation, or incentive exists to support this combination. First of all, Hahn does not disclose or even suggest that the finger cap shown in Fig. 8 could be modified to include a second hollow member and a connecting portion. The Office Action merely states that "it would have been obvious for one of ordinary skill in the art to modify the teeth cleaning device of Hahn to have a second hollow member ... connected by a connecting portion ... so that a user may clean more of a surface area at a time thereby minimizing the labor and difficulty in cleaning teeth."² However, the Office Action provides no support for this assertion of motivation. Clearly, the motivation to modify Hahn as attempted by the Office Action is not provided within the disclosure of Hahn. Applicants respectfully submit that the modification of Hahn, as attempted by the Office Action, finds no motivation in either cited reference and is therefore improper.

Even if the disclosures are combined, absent any motivation to do so, the combination fails to teach all of the limitations of independent claim 57. For example, neither references teaches that at least the first hollow member or the second hollow member contains an elastic nonwoven comprising an elastic component and a non-elastic component. Applicants respectfully submit that independent claim 57 is patentable over Hahn, either alone or in combination with Ness.

Also in the Office Action, claims 57-59, 61-66, and 69 were rejected under 35 U.S.C. § 103(a) in view of Adams combined with U.S. Pat. No. 5,362,306 to McCarver, et al. However, Applicants submit that neither reference discloses a texturized surface having projections in the z-direction, as required by independent claim 57. In fact, the prior Office Action of March 17, 2005, admits this deficiency by requiring the further combination of U.S. Pat. No. 5,765,252 to Carr for the disclosure of a texturized surface to the combination of Adams and McCarver, et al. Applicants point out that the presently pending Office Action agrees that the combination of McCarver, et al. and Carr is improper and withdraws the previous rejection. Pg. 7, lines 1-3. As such,

² Again, Applicants do not address the Office Action's statement regarding the first and second hollow members "having the same structural properties." Pg. 4, lines 4-5.

Applicants respectfully submit that independent claim 57 is patentable over Adams, either alone or in combination with McCarver, et al.

In any event, Applicants respectfully submit that no motivation or suggestion exists to combine Adams and McCarver, et al. Adams is directed to a pair of cylindrical caps or thimbles adapted to engage snugly over the fingers. According to Adams, “the thimbles are preferably **rigid** and may be formed of metal, plastic or the like.” See Col. 1-2, lines 65-16. No motivation exists to combine the elastic nonwoven surface of McCarver, et al. with the structure disclosed by Adams. In fact, Adams actually teaches away from the use of a flexible or elastic material, such as an elastic nonwoven, by stating that the thimbles are preferably rigid.

Applicants also respectfully submit that for at least the reasons indicated above relating to corresponding independent claims, the pending dependent claims patentably define over the references cited. However, Applicants also note that the patentability of the dependent claims certainly does not hinge on the patentability of independent claims. In particular, it is believed that some or all of these claims may possess features that are independently patentable, regardless of the patentability of the independent claims.

For instance, in rejecting dependent claims 65 and 66, the Office Action refers to Fig. 8 of Hahn as disclosing a first panel (24) attached to a second panel. However, Applicants respectfully disagree with this interpretation of Hahn. First, no element labeled “24” exists on the device of Fig. 8. There is an element “24” on the device of Fig. 7; however, this device is not used on a finger. The device of Fig. 7 is described as comparable to the structure shown in Figs. 4A and 4B (col. 6, lines 26-28), which describes the use of connection part 42 provided with a locking rib 44 clipped into a locking groove 46 provided in the end of the handle 10. Hahn fails to disclose or suggest the use of this particular device on a finger.

Also, the Office Action states, in referring to Fig. 8 of Hahn, that a first panel (cleaning elements “26” and “28”) are attached to second panels “30” and “32” in order to attempt to reject independent claim 57. However, Applicants also disagree with this interpretation of Hahn. The cleaning elements “26” and “28” are not analogous to either the first or second panel required by dependent claims 65 or 66. The combination of

Ness to this disclosure does not cure the deficiencies of Hahn. Applicants respectfully submit that dependent claims 65 and 66 are patentable over Hahn, either alone or in any combination.

In conclusion, Applicants respectfully submit that the presently pending claims are patentably distinct over the cited references, and favorable reconsideration and allowance of all the claims are requested. Examiner Cole is invited and encouraged to contact the undersigned should any issues remain after consideration of the above remarks.

December 6, 2005
Date

Respectfully submitted,
DORITY & MANNING, P.A.



Alan R. Marshall
Reg. No. 56,405

DORITY & MANNING, P.A.
P.O. Box 1449
Greenville, SC 29602
(864) 271-1592
Fax (864) 233-7342